

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

**DERRICK O. MARTIN,**

**Plaintiff,**

**V.**

**STATE OF INDIANA, et al.,**

## Defendants.

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**CAUSE NO. 1:07-CV-235**

## **OPINION AND ORDER**

The *pro se* Plaintiff, Derrick O. Martin, who has been granted leave to proceed *in forma pauperis*, filed a Complaint against a number of Defendants, including a “John Doe” defendant, asserting various claims under 42 U.S.C. § 1983.

On December 7, 2007, Martin filed what he captioned as an Amended Complaint (Docket # 47) but which the Court liberally views as a Motion to Amend his original Complaint to substitute Terry Yieter, the Executive Director of AADP, for the formerly named “John Doe” defendant.

Rule 15(a) of the Federal Rules of Civil Procedure states that leave to file an amended complaint “shall be freely given when justice so requires.” Additionally, the Court of Appeals for the Seventh Circuit has held that, “[w]hen the substance of a *pro se* civil rights complaint indicates the existence of claims against individual officials not specifically named in the caption of the complaint, the district court must provide the plaintiff with an opportunity to amend the complaint.” *Donald v. Cook County Sheriff’s Dep’t*, 95 F.3d 548, 555 (7th Cir. 1996).

By order of September 24, 2007, the Plaintiff was permitted to proceed on his claim

against defendant John Doe. The Plaintiff asserts that since filing the Complaint, he has identified Terry Yieter as defendant John Doe. The Defendants do not object to the Plaintiff's request. Therefore, the Plaintiff's motion to amend the Complaint to substitute Terry Yieter for defendant John Doe will be granted.

IT IS THEREFORE ORDERED that the Plaintiff's motion to amend the Complaint (Docket # 47) is granted.

IT IS FURTHER ORDERED that the docket be amended to reflect that defendant John Doe has been identified as Terry Yieter. The Clerk is directed to send a summons form to the Plaintiff to be completed and returned and upon return the Clerk is to issue the summons for service upon Terry Yieter.

Enter: February 19, 2008.

S/Roger B. Cosbey  
Roger B. Cosbey  
United States Magistrate Judge